

1642

Practitioner's Docket No. MPI00-344P1RM

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Meyers, Rachel E., et al
Application No.: 09/945,326 Group No.: 1642
Filed: August 31, 2001 Examiner: Yu, Misook
For: 62112, A NOVEL HUMAN DEHYDROGENASE AND USES THEREOF

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

RECEIVED
FEB 10 2004
TECH CENTER 1600/2900

1. Transmitted herewith for this application is/are:
 - a. This Amendment Transmittal (2 pages; in duplicate); and
 - b. Amendment and Response (9 pages);
 - c. Transmittal of Supplemental Information Disclosure Statement (3 pages; in duplicate);
 - d. Supplemental Information Disclosure Statement (2 pages);
 - e. Form PTO/SB/08B (substitute for Form PTO-1449; 1 page);
 - f. Copy of one reference cited (10 pages);
 - g. Statement of Biological Culture Deposit (3 pages);
 - h. Copy of ATCC Biological Culture Deposit Receipt (1 page);
 - i. Copy of a previously filed Preliminary Amendment (16 pages);
 - j. Copy of a stamped return postcard (1 page); and
 - k. A Return Postcard.

STATUS

2. Applicant is other than a small entity.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

- ☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee"
Mailing Label No.

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Sean Hunziker

(type or print name of person certifying)

Date: 30 January 2004

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

RECEIVED
FEB 10 2004
TECH CENTER 1600/2900

FEE FOR CLAIMS

3. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)			(Col. 2)		(Col. 3)	OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment			Highest No. Previously Paid For		Present Extra	Rate	Addit. Fee	
Total	14	Minus	80	=	0	\$18.00	=	\$0.00
Indep.	2	Minus	16	=	0	\$86.00	=	\$0.00
First Presentation of Multiple Dependent Claims			0			\$290.00	=	\$0.00
						Total Addit. Fee	\$0.00	

Total additional fee for claims required \$0.00

FEE PAYMENT

4. Charge Account No. 501668 the sum of \$0.00 (which includes the \$0.00 extension fee and the \$0.00 additional fee for claims). A duplicate of this transmittal is attached.

FEE DEFICIENCY

5. If any additional extension and/or fee is required, charge Account No. 501668.
If any additional fee for claims is required, charge Account No. 501668.

6. Correspondence Address
Direct all future correspondence to:

Customer Number 30405
OR
Intellectual Property Department
MILLENNIUM PHARMACEUTICALS, INC.
40 Landsdowne Street
Cambridge, MA 02139

30 January 2004

MILLENNIUM PHARMACEUTICALS, INC.

By Kerri Pollard Schray
Kerri Pollard Schray
Registration No. 47,066
40 Landsdowne Street
Cambridge, MA 02139
Telephone - 617-551-3676
Facsimile - 617-551-8820

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Meyers, Rachel E.
Application No.: 09/945,326 Group No.: 1642
Filed: August 31, 2001 Examiner: Yu, Missok
For: 62112, A NOVEL HUMAN DEHYDROGENASE AND USES THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF BIOLOGICAL CULTURE DEPOSIT

I, Kerri Pollard Schray hereby state:
Name of Applicant or Assignee's representative

1. That the following culture(s) referred to in the specification of this application have been deposited:

E. coli with plasmid Ep 62112
Strain

PTA-3439
Accession number

Strain

Accession number

Strain

Accession number

2. That the date of the above deposit is:

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

- ☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee"
Mailing Label No.

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Sean Hunziker
Signature

Sean Hunziker

(type or print name of person certifying)

Date: 30 January 2004

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

- ☒ before the U.S. filing date of this application.
☐ after the U.S. filing date of this application and proof that the culture(s) identified above is(are) the same culture(s) described in the application as filed is attached.

3. That the name and address of the depository is:

American Type Culture Collection (ATCC)

Name of depository

10801 University Blvd Manassas, VA 20110

Address of depository

4. That a statement that the culture(s) deposited with the above named depository was (were) viable and was (were) capable of reproduction, if appropriate, on the date of deposit is attached. Such statement is executed by:

- a. ☒ the depository.
b. ☐ the applicant.
c. ☐ a competent third party.

5. That, with respect to the permanence of the culture(s) deposit:

- a. ☒ the depository is an official depository, in accordance with the Budapest Treaty for the above deposited culture(s).
b. ☒ the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.
c. ☒ evidence that permanent availability of the microorganism is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited culture(s).

I affirm that should the microorganism(s) mutate, become nonviable or be inadvertently destroyed, applicants will replace such microorganism(s) for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

6. That, with respect to availability of the culture(s), I affirm that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. 608.01 (p)), and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. section 1.14 and 35 U.S.C. section 122.

- ☒ Evidence of the accessibility of the culture(s) as set forth above is provided in the form of the attached copy of the contract with the above mentioned depository with respect to the deposited cultures.

30 January 2004

MILLENNIUM PHARMACEUTICALS, INC.

By K. Pollard Schray
Kerri Pollard Schray
Registration No. 47,066
40 Landsdowne Street
Cambridge, MA 02139
Telephone - 617-551-3676
Facsimile - 617-551-8820

- ☐ Inventor
- ☐ Assignee of complete interest
- ☒ Person authorized to sign on behalf of assignee

ATCC**COPY**

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE****INTERNATIONAL FORM****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2****To: (Name and Address of Depositor or Attorney)**

Millennium Pharmaceuticals, Inc.
Attn: Gail Mays
75 Sindy Street
Cambridge, MA 02139

Deposited on Behalf of: Millennium Pharmaceuticals, Inc.**Identification Reference by Depositor:****Patent Deposit Designation**

E.coli strains containing plasmid: Ep 14911	PTA-3435
E.coli strains containing plasmid: Ep 26320	PTA-3436
E.coli strains containing plasmid: Ep 33530	PTA-3437
E.coli strains containing plasmid: Ep 25869	PTA-3438
E.coli strains containing plasmid: Ep 62112	PTA-3439
E.coli strains containing plasmid: Ep 27420	PTA-3440

The deposits were accompanied by: a scientific description a proposed taxonomic description indicated above. The deposits were received June 7, 2001 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested June 13, 2001. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:


Tanya Nunnally, Patent Specialist, Patent Depository

Date: June 28, 2001

cc: Ted Allen

COPY

Attorney Docket No.: MPI00-344PIRM (previously MNI-187)

THE "RECEIVED" STAMP OF THE PATENT AND TRADEMARK OFFICE IMPRINTED
HEREON ACKNOWLEDGES THE FILING OF:

Description of Paper* and No.: Transmittal which includes a Request for Extension of Time (3 pages)(in duplicate); Response to Restriction Requirement (2 pages); Preliminary Amendment (16 pages); and this return postcard.

Name of Applicant(s): Rachel E. Meyers, et al.

Intf. Or Serial No.: 09/945,326

Title: 62112, A NOVEL HUMAN DEHYDROGENASE AND USES THEREOF

Attorney/Agent: Jean M. Silveri

Date: August 4, 2003

*with Certificate of Express Mailing No.:

Attorney Docket No.: MPI00-344PIRM (previously MNI-187)

THE "RECEIVED" STAMP OF THE PATENT AND TRADEMARK OFFICE IMPRINTED
HEREON ACKNOWLEDGES THE FILING OF:

Description of Paper* and No.: Transmittal which includes a Request for Extension of Time (3 pages)(in duplicate); Response to Restriction Requirement (2 pages); Preliminary Amendment (16 pages); and this return postcard.

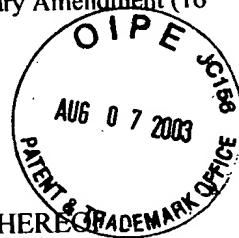
Name of Applicant(s): Rachel E. Meyers, et al.

Intf. Or Serial No.: 09/945,326

Title: 62112, A NOVEL HUMAN DEHYDROGENASE AND USES THEREOF

Attorney/Agent: Jean M. Silveri

Date: August 4, 2003



*with Certificate of Express Mailing No.: